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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOSE SAGRERO GALLARDO,  
a/k/a Eduardo Gonzales Vasquez, )

14 MANUEL PEREZ PEREZ,  
a/k/a Hugo Giovanni Gomez Vasquez, )

15 GUADALUPE PEREZ MOLINA, and )  
16 MOISES GALLARDO BARRAGAN, )

17 Defendants. )  
\_\_\_\_\_ )

CASE NO. CR05-5748RBL

ORDER CONTINUING  
TRIAL DATE AND  
PRETRIAL MOTION DATE

18 THIS MATTER came before the Court upon the motion of Defendant Jose  
19 Sagrero Gallardo, through his attorney, Ronald Ness, defendant Manuel Perez Perez,  
20 through his attorney, Charles Johnston, defendant Guadalupe Perez Molina, through his  
21 attorney, Karen Unger, defendant Moises Gallardo Barragan, through his attorney, Roger  
22 Hunko, and the United States of America, by and through John McKay, United States  
23 Attorney for the Western District of Washington, and Douglas B. Whalley and Matthew  
24 H. Thomas, Assistant United States Attorneys for said District requesting a continuance  
25 of the trial date. Having considered all the files and records herein,

26 THIS COURT FINDS, pursuant to Title 18, United States Code, Section  
27 3161(h)(8)(B)(i) that failure to grant such a continuance in the proceeding would be  
28 likely to make a continuation of such proceeding impossible, or result in a miscarriage of

1 justice.

2 THIS COURT FINDS, pursuant to Title 18, United States Code, Section  
3 3161(h)(8)(B)(iv), that failure to grant the continuance in this case, which, taken as a  
4 whole, is not so unusual or so complex as to fall within clause (ii), would deny counsel  
5 for the defendants the reasonable time necessary for effective preparation, due to  
6 counsels' need for more time to review the evidence and consider possible defenses,  
7 taking into account the exercise of due diligence;

8 THIS COURT FINDS, pursuant to Title 18, United States Code, Section  
9 3161(h)(7), that this is a reasonable period of delay in that the defendants are joined for  
10 trial and no previous motion for continuance has been granted, and all defendants have  
11 requested more time to prepare for trial, and defendants have indicated that they will file  
12 waivers of speedy trial in support of this motion.

13 THIS COURT FINDS, therefore, that pursuant to Title 18, United States Code,  
14 Section 3161(h)(8)(A), the ends of justice will best be served by a continuance, and that  
15 they outweigh the best interests of the public and the defendants in a speedy trial.

16 THIS COURT FURTHER FINDS that all of the additional time requested between  
17 the original trial date of December 12, 2005 and the new trial date of  
18 February 27, 2006 is necessary to provide counsel for the defendants the reasonable  
19 time necessary to prepare for trial.

20 **Counsel is directed to file executed speedy trial waivers (through March 17,**  
21 **2006) not later than December 7, 2005**

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2 NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date will be  
3 continued until **FEBRUARY 27, 2006 at 9:00 a.m.**, with a pretrial conference on  
4 **February 16, 2006 at 9:00 a.m.**, and that the date within which the pretrial motions are  
5 due is continued to January 16, 2006. A Motion Hearing, if needed, shall be scheduled  
6 for **February 9, 2006 at 9:00 a.m.**

7 The time between December 12, 2005 and February 27, 2006 is excluded in computing  
8 the time within which a trial must be held pursuant to Title 18, United States Code,  
9 Section 3161, et. seq.

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11 IT IS SO ORDERED this 29th day of November, 2005.

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13 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

14 Presented by:

15 s/ Douglas B. Whalley  
16 DOUGLAS B. WHALLEY  
Assistant United States Attorney

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18 s/ Matthew H. Thomas  
19 MATTHEW H. THOMAS  
Assistant United States Attorney

20  
21 s/ Ronald D. Ness  
22 RONALD D. NESS  
Attorney for Jose Sagrero Gallardo

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24 s/ Charles Johnston  
25 CHARLES JOHNSTON  
Attorney for Manuel Perez Perez

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27 s/Karen Unger  
28 KAREN UNGER  
Attorney for Guadalupe Perez Molina

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2 s/Roger Hunko  
3 ROGER HUNKO  
4 Attorney for Moises Gallardo Barragan

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\*Telephonic Approval